

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Bobby Stroman, #136104,	)	
	)	C.A. No. 2:07-2738-HMH-RSC
Petitioner,	)	
	)	<b>OPINION &amp; ORDER</b>
vs.	)	
	)	
Cecilia R. Reynolds; Warden of K.C.I.;	)	
State of South Carolina; Richland	)	
County,	)	
	)	
Respondents.	)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Robert S. Carr, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 of the District of South Carolina.<sup>1</sup> Bobby Stroman (“Stroman”), proceeding pro se, filed a complaint pursuant to 28 U.S.C. § 2254. Magistrate Judge Carr recommends dismissing Stroman’s complaint without prejudice and without issuance and service of process because Stroman failed to raise any claims based on federal law. On September 24, 2007, Stroman filed an amended § 2254 petition adding various federal claims. Therefore, the court declines to adopt the Magistrate Judge’s Report and Recommendation and remands the case to the Magistrate Judge.

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1) (West Supp. 2006).

Therefore, it is

**ORDERED** that the case is remanded to Magistrate Judge Carr for further proceedings.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
September 26, 2007